
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 116)

Present law provides that in all cases on appeal, the reporter shall be paid a fee not to exceed two dollars and fifty cents for each original page transcribed and, when a copy is requested by a litigant, shall furnish such copy and be paid a fee not to exceed one dollar for each page thereof, except that in criminal cases on appeal by indigent defendants, no more than a total of two dollars and seventy-five cents for each page transcribed, including all copies necessary for appeal, shall be charged to and paid from any fund established by law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Proposed law maintains present law and provides that nothing in present law shall be construed to make the governing authority of the parish of Jefferson responsible for the expenses or costs associated with the preparation of transcripts for an indigent defendant in a criminal proceeding, including but not limited to bills of exceptions, trials, motions, hearings on writs, or any other costs associated with an appeal in a criminal proceeding.

Present law provides that in all forma pauperis cases the governing authority of the parish of Jefferson shall pay the court reporters of the 24th Judicial District for the transcribing of testimony, when an appeal is taken or upon order of the judge, such amounts as would otherwise be required to be paid by the party who is proceeding in forma pauperis.

Proposed law specifies that present law shall be applied in all civil cases when a party is proceeding in forma pauperis.

Proposed law provides that the courts of the 24th Judicial District shall establish an indigent transcript fund to provide for the payment of court reporter fees for transcripts.

Proposed law provides that in every court of original, appellate, supervisory, or concurrent criminal jurisdiction in Jefferson Parish, including but not limited to the 24th Judicial District Court, First Parish Court, Second Parish Court, Juvenile Court, and all mayors' courts in municipalities, there shall be assessed in all criminal cases, including traffic violations, except parking, an additional cost set by the judges en banc, not to exceed the amount authorized in law, against every defendant who is convicted after trial or after a plea of guilty or nolo contendere. This additional cost shall be transmitted to the court and deposited in a special account in the parish treasury to be managed and administered by the parish treasurer for and on behalf of the courts for the payment of court reporter fees for transcripts in indigent defense cases.

Proposed law provides that all monies received and deposited shall be used to pay court reporter fees for transcripts in the following order:

1. To compensate court reporters for the preparation of transcripts for indigent defendants arising from criminal proceedings in the 24th Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings.
2. To compensate juvenile court reporters for the preparation of transcripts arising from juvenile proceedings when the juvenile's parent or legal custodian or the adult, over whom the juvenile court is exercising jurisdiction, is found to be indigent in accordance with the law.

Proposed law provides that nothing shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceedings be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Proposed law provides fee shall be effective fifteen days after publication of notice of fee is made in the Louisiana Register. Requires Judicial Council of the Supreme Court to review and make a recommendation regarding proposed fee. Provides that if the Council agrees the fee is reasonable and necessary, they shall cause the notice thereof to be published in the Louisiana Register.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:967(C)(1), (J) and (L); adds R.S. 13:967(M))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Requires review of proposed fee by the Judicial Council of the Supreme Court.
2. Delays effective date of fee until fifteen days after publication of notice of fee is made in the Louisiana Register.